

SUPREME COURT OF NEW JERSEY

NOTICE TO THE BAR

Re: Model Incapacitated Person Guardianship Judgment

At the March 27, 2000 Administrative Conference, the Supreme Court approved a model judgment for use in incapacitated person matters. A copy of the [mandatory model judgment](#) is to be used in all guardianship proceedings under R. 4:86. The Judiciary-Surrogates Liaison Committee prepared this model form to deal with issues addressed by courts when ruling on whether a person is incapacitated, the terms and conditions of the guardianship and the duties of the guardian. The Committee drafted the model judgment to further the Supreme Court's suggestion in *In the Matter of M.R.*, 135 N.J. 155, 171 (1994) that the use of limited guardianships is to be encouraged. The model judgment conserves the ward's estate by excluding the value of real estate when fixing the surety bond's amount, while protecting the ward's estate by requiring that the guardian obtain judicial approval before any sale, encumbrance, transfer or other disposition of the ward's real property. Finally, the judgment contains language requiring the guardian to file an annual report and for the review of the same by the attorney appointed to represent the ward prior to the declaration that he or she is incapacitated.

Copies of the model judgment are being provided to the State and county bar associations and will be available at the Surrogate's office in each county courthouse.

Richard J. Williams
Acting Administrative Director of the Courts
Dated: August 24, 2000

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